

REMARKS

The Examiner is thanked for the thorough examination of the application.

Claims 1, 2 and 4-18 are pending in the application. The claims have been amended to set forth the synthetic nature of the present invention.

No new matter is believed to be added to the application by this amendment.

Rejection Under 35 USC §103(a)

Claims 1, 2, 4-6 and 8-18 have been rejected under 35 USC §103(a) as being unpatentable over SCHNEIDER et al. (Journal of Vascular Surgery). Traversal of this rejection is respectfully maintained for at least the reasons set forth below.

Independent claims 1 and 12 of the present invention recite a synthetic coating or composition that includes 50-97% heparan sulfate, 1-20% laminin and 0.2-15% type IV collagen.

SCHNEIDER et al. has been discussed in previous responses.

As as been noted, there is no disclosure whatsoever in SCHNEIDER et al. that the constituents of the present invention are present in the synthetic coating at the specific claimed concentrations.

The article by SCHNEIDER et al. clearly does not describe a synthetic coating, but instead describes a naturally produced coating. Moreover, there is no disclosure whatsoever in

SCHNEIDER et al. that the constituents according to the present invention are present in the specific claimed concentrations of the present invention.

More specifically, SCHNEIDER et al. fail to disclose the use of heparan sulphate (50% or greater) as a major component in the synthetic coating in order to prevent thrombosis. Therefore independent claims 1 and 12 of the present invention are clearly patentable over SCHNEIDER et al.

Furthermore, in view of the **natural** nature of the related art coatings, it is not obvious for the skilled person to interfere with nature in order to vary the amounts of the constituents in this coating, specifically to reach the amounts according to the present invention.

On page 655, left column, last paragraph, SCHNEIDER et al. demonstrate the importance of the natural nature of the coating, because the "**naturally** produced ECM" supposedly has "superior cell growth-promoting properties" when compared with "isolated constituents of the ECM". Therefore, SCHNEIDER et al. teaches away from using a coating with specifically selected substituents departing from nature.

Moreover, SCHNEIDER et al. is concerned with a coating that improves adhesion and growth of ECs on synthetic graft material. In practice, the bare coating of SCHNEIDER et al. appears to have a proliferative effect with an enhanced probability of thrombosis. Not surprisingly, Schneider teaches to

expose the coating to glutaraldehyde or to seed vascular ECs to the coating to create a nonthrombogenic surface to prevent thrombosis. There is no disclosure or suggestion in SCHNEIDER et al. to modify the ECM in an attempt to improve the anti-thrombotic properties.

As a result, one of ordinary skill in the art would not be motivated by SCHNEIDER et al. to produce a claimed embodiment of the present invention. A *prima facie* case of unpatentability has not been made. This rejection is believed to be overcome, and withdrawal thereof is respectfully requested.

Rejection Under 35 USC §112, First Paragraph

Claims 1-18 have been rejected under 35 USC §112, first paragraph as failing to comply with the written description requirement. This rejection is respectfully traversed.

At page 4 the Official Action asserts:

"Applicant claims a specific formulation of laminin, collagen Type IV, and heparin sulfate at specific percentages. However, the specification never sets out the naturally occurring percentage of each component. Without this information, it is impossible to convey that the applicant did not merely used the naturally occurring percentage of each clarification is requested."

However, the claimed invention now sets forth that the coating or composition is **synthetic**. This limitation is supported at, e.g., page 6, line 20 reciting "Preparing a composition, comprising in about 50 mg/ml solvent . . .", which clearly infers

that the a synthetic composition as opposed to being purified or isolated or obtained from a naturally obtained product.

Also note the dependent claims, which claim antibiotics for example, which clearly would not arise from a natural sample.

The assertion that the specification set forth the naturally occurring amount of the components is thereby rendered moot in light of the amended claims.

This rejection is believed to be overcome, and withdrawal thereof is respectfully requested.

Notice of Abandonment

The Notice of Abandonment mailed February 11, 2009 was premature. Withdrawal thereof is respectfully requested.

Conclusion

The rejections have been overcome, obviated or rendered moot. No issues remain. The Examiner is accordingly respectfully requested to place the application in condition for allowance and to issue a Notice of Allowability.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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